

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DOUGLAS R. YATES

Defendant.

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CRIMINAL ACTION NO. 4:15-CR-94

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on December 10, 2015, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Chris Eason.

On June 25, 2014, Defendant was sentenced by the Honorable United States District Judge Gary A. Fenner of the Western District of Missouri and was sentenced to forty-two (42) months imprisonment followed by a five (5) year term of supervised release for the offense of Conspiracy to Distribute 100 grams or more of Heroin. On May 11, 2015, jurisdiction was transferred from the Western District of Missouri to the Eastern District of Texas and assigned to the Honorable Amos L. Mazzant.

On March 31, 2015, Defendant completed his period of imprisonment and began service of his term of supervised release.

On November 6, 2015, the U.S. Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 2 Sealed]. The Petition asserted that Defendant violated three (3) conditions of supervision, as follows: (1) Defendant shall refrain from any unlawful use of a controlled substance; (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or paraphernalia related to any controlled substances, except as prescribed by a physician; and (3) Defendant shall successfully participate in any substance abuse counseling program, which may include urinalysis, sweat patch, or Breathalyzer testing, as approved by the Probation Office and pay any associated costs as directed by the Probation Office.

The Petition alleges that Defendant committed the following acts: (1) Defendant submitted a urine specimen at the U.S. Probation Office on April 28, 2015, which tested positive for cocaine. The Defendant admitted to said use; (2) Defendant submitted a urine specimen at the U.S. Probation Office on September 30, 2015, which tested positive for marijuana. The Defendant admitted to said use. On November 2, 2015, the Defendant signed an admission form whereby he admitted to using heroin on or about October 30, 2015; (3) Defendant failed to submit a urine specimen as part of the U.S. Probation Office's random drug testing program at Bob Altermans, in McKinney, Texas, on May 5 and 18, and July 28, 2015; and (4) Defendant failed to attend substance abuse counseling with Pillar Counseling on August 5; and again with Fletcher Counseling on November 2, 2015.

Prior to the Government putting on its case, Defendant entered a plea of true to all three (3) allegations of the Petition. Having considered the Petition and the plea of true to all enumerated allegations, the Court finds that Defendant did violate his conditions of supervised release. The Court recommends that his supervised release be revoked. Defendant waived his

right to allocate before the District Judge and his right to object to the report and recommendation of this Court.

**RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen (18) months, with no term of supervised release to follow.

The Court also recommends that Defendant be housed in the North Texas Region, if appropriate.

**SIGNED this 10th day of December, 2015.**

A handwritten signature in black ink, appearing to read 'C. Nowak', is written over a horizontal line.

Christine A. Nowak  
UNITED STATES MAGISTRATE JUDGE